

JUL 28 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

RAQUEL VARGAS-RAMIREZ,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-70153

Agency No. A78-675-323

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 24, 2006^{**}

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Raquel Vargas-Ramirez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing her appeal from

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

an immigration judge's ("IJ") decision denying her application for cancellation of removal. We dismiss the petition for review.

Vargas-Ramirez contends that the IJ violated her due process rights by undertaking an incomplete assessment of hardship after determining that she had not established good moral character.¹ We lack jurisdiction to review this contention because Vargas-Ramirez failed to raise it before the BIA and thereby failed to exhaust her administrative remedies. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004) (explaining that this court lacks jurisdiction to review contentions not raised before the agency).

Vargas-Ramirez's contention that the IJ deprived her of due process by requiring her to demonstrate "unconscionable" hardship is not supported by the record and does not state a colorable due process claim. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005). Moreover, Vargas-Ramirez failed to demonstrate that she was prejudiced by the alleged application of an incorrect standard. *See Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000) (requiring prejudice to prevail on a due process challenge).

PETITION FOR REVIEW DISMISSED.

¹ The BIA's order did not rely on the IJ's moral character determination.